



Reprinted  
February 27, 2001

## HOUSE BILL No. 1779

DIGEST OF HB 1779 (Updated February 26, 2001 11:25 PM - DI 71)

**Citations Affected:** IC 8-1; noncode.

**Synopsis:** Deputy consumer counselors. Creates the positions of deputy consumer counselor for small business and deputy consumer counselor for senior citizens within the office of utility consumer counselor. Provides that the governor shall appoint each deputy consumer counselor for a term of four years. Provides that the deputy consumer counselor for small business is responsible for the following: (1) Representing the interests of small business utility customers in Indiana. (2) Educating small business utility customers about the functions and duties of the deputy consumer counselor for small business. (3) Soliciting the opinions, comments, and needs of small business utility customers. (4) Educating small business utility customers about utility conservation matters. (5) Notifying small business utility customers about proceedings affecting or potentially affecting small business utility customers. (6) Maintaining a telephone hotline for inquiries, comments, and suggestions from small business utility customers. Provides that the deputy consumer counselor for senior citizens is responsible for the following: (1) Representing the interests of senior citizen utility customers in Indiana. (2) Educating senior citizen utility customers about the functions and duties of the deputy consumer counselor for senior citizens. (3) Soliciting the opinions, comments, and needs of senior citizen utility customers. (4) Educating senior citizen utility customers about utility conservation matters. (5) Notifying senior citizen utility customers about proceedings affecting or potentially affecting senior citizen utility customers. (6) Maintaining a telephone hotline for inquiries, comments, and suggestions from senior citizen utility customers.

**Effective:** July 1, 2001.

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**Harris, Pelath**

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January 17, 2001, read first time and referred to Committee on Commerce, Economic Development and Technology.  
February 19, 2001, amended, reported — Do Pass.  
February 26, 2001, read second time, amended, ordered engrossed.

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HB 1779—LS 7598/DI 101+



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Reprinted  
February 27, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1779

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A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 8-1-1.1-1 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this  
3       chapter:

4       "Council" means the advisory council to the office of utility  
5       consumer counselor created under section 7 of this chapter.

6       "Counselor" means the consumer counselor established under  
7       section 2 of this chapter.

8       ~~"Deputy consumer counselor" means the deputy consumer~~  
9       ~~counselor for Washington affairs that may be established under section~~  
10      ~~9.1 of this chapter.~~

11      "Utility" means any public utility, municipally owned utility or  
12      subscriber owned utility under the jurisdiction of the commission.

13      SECTION 2. IC 8-1-1.1-9.2 IS ADDED TO THE INDIANA CODE  
14      AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
15      1, 2001]: Sec. **9.2.** (a) As used in this section, "advocate" refers to  
16      the deputy consumer counselor for small business appointed under  
17      subsection (d).

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(b) As used in this section, "small business" means a business that:

- (1) is independently owned and operated;
- (2) is not dominant in its field of operation; and
- (3) satisfies the following criteria:
  - (A) If the business is a wholesale business, its annual sales for its most recently completed fiscal year do not exceed four million dollars (\$4,000,000).
  - (B) If the business is a construction business, its average annual receipts for the preceding three (3) fiscal years do not exceed four million dollars (\$4,000,000).
  - (C) If the business is a retail business or a business selling services, its annual sales and receipts do not exceed five hundred thousand dollars (\$500,000).
  - (D) If the business is a manufacturing business, it employs one hundred (100) or fewer employees.

(c) As used in this section, "small business utility customer" means a small business that pays a public utility or a municipally owned utility for gas, electric, telecommunications, water, or sanitary sewer service.

(d) The governor may appoint a deputy consumer counselor for small business. The utility consumer counselor may advise the governor in the appointment of the deputy consumer counselor for small business.

(e) The deputy consumer counselor for small business shall serve for a term of four (4) years at a salary to be fixed by the governor. The advocate shall serve at the pleasure of the governor. The advocate must be a practicing attorney and qualified by knowledge and experience to practice in utility regulatory agency proceedings. The advocate shall apply full efforts to the duties of the office and may not be actively engaged in any other occupation, practice, profession, or business.

(f) The deputy consumer counselor for small business shall do the following:

- (1) Represent, protect, and promote the interests of small business utility customers in Indiana.
- (2) Inform and educate small business utility customers about the duties and functions of the deputy consumer counselor for small business.
- (3) Actively solicit the opinions, comments, and needs of small business utility customers.
- (4) Educate small business utility customers about available



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1 utility conservation measures.

2 (5) Notify small business utility customers about proceedings  
3 before the commission, the Federal Energy Regulatory  
4 Commission, the Federal Communications Commission, the  
5 courts, and other public bodies.

6 (6) Establish and maintain a toll free telephone number or  
7 numbers that serve as a hotline for inquiries, comments, and  
8 suggestions from small business utility customers. To the  
9 extent available resources allow, the advocate shall promote  
10 and advertise the hotline to small business utility customers.

11 The deputy consumer counselor for small business may satisfy the  
12 requirements of subdivisions (2) through (5) by publishing or  
13 soliciting information on the Internet through the computer  
14 gateway administered by the intelenet commission under IC 5-21-2  
15 and known as Access Indiana.

16 (g) Expenses incurred under subsection (f) shall be paid from an  
17 appropriation made for that purpose by the general assembly, or  
18 with the approval of the governor and the budget agency, from the  
19 contingency fund established under IC 8-1-6-1.

20 (h) The deputy consumer counselor for small business may, with  
21 the approval of the utility consumer counselor, appear on behalf of  
22 small business utility customers in:

23 (1) hearings before the commission, the department of state  
24 revenue, or the Indiana department of transportation;

25 (2) appeals from the orders of the commission, the  
26 department of state revenue, or the Indiana department of  
27 transportation; and

28 (3) other proceedings, suits, and actions in which the subject  
29 matter of the action affects small business utility customers.

30 (i) The deputy consumer counselor for small business may, with  
31 the approval of the consumer counselor, the governor, and the  
32 budget agency, employ and fix the compensation of accountants,  
33 utility economists, engineers, attorneys, stenographers, or other  
34 assistants necessary to carry out the duties of the deputy consumer  
35 counselor for small business. The compensation of the deputy  
36 consumer counselor for small business and the staff shall be paid  
37 from an appropriation made for that purpose by the general  
38 assembly, or with the approval of the governor and the budget  
39 agency, from the contingency fund established under IC 8-1-6-1.

40 (j) The deputy consumer counselor for small business may  
41 employ, with the approval of the consumer counselor, the  
42 governor, and the budget agency, additional stenographers,

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examiners, experts, engineers, assistant counselors, accountants, and consulting firms with expertise in utility, motor carrier, or railroad economics or management, or both, at salaries and compensation and for a length of time as the consumer counselor, the governor, and the budget agency may approve for a particular case or investigation. The compensation for additional personnel and the cost of transportation, hotel, telegram, and telephone bills while traveling on public business shall be paid from the expert witness fee account or, with the approval of the governor and the budget agency, from the contingency fund established under IC 8-1-6-1 on warrants drawn by the auditor of state and sworn to by the parties who incurred the expenses.

(k) Expenses incurred by the deputy consumer counselor for small business and approved by the deputy consumer counselor for small business shall be charged to and paid from the contingency fund established under IC 8-1-6-1.

SECTION 3. IC 8-1-1.1-9.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9.3. (a) As used in this section, "advocate" refers to the deputy consumer counselor for senior citizens appointed under subsection (d).

(b) As used in this section, "senior citizen" means an Indiana resident who is:

- (1) at least sixty-five (65) years of age;
- (2) retired; and
- (3) not employed on a full-time basis.

(c) As used in this section, "senior citizen utility customer" means a senior citizen who pays a public utility or a municipally owned utility for gas, electric, telecommunications, water, or sanitary sewer service for residential uses.

(d) The governor may appoint a deputy consumer counselor for senior citizens. The utility consumer counselor may advise the governor in the appointment of the deputy consumer counselor for senior citizens.

(e) The deputy consumer counselor for senior citizens shall serve for a term of four (4) years at a salary to be fixed by the governor. The advocate shall serve at the pleasure of the governor. The advocate must be a practicing attorney and qualified by knowledge and experience to practice in utility regulatory agency proceedings. The advocate shall apply full efforts to the duties of the office and may not be actively engaged in any other occupation, practice, profession, or business.



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(f) The deputy consumer counselor for senior citizens shall do the following:

(1) Represent, protect, and promote the interests of senior citizen utility customers in Indiana.

(2) Inform and educate senior citizen utility customers about the duties and functions of the deputy consumer counselor for senior citizens.

(3) Actively solicit the opinions, comments, and needs of senior citizen utility customers.

(4) Educate senior citizen utility customers about available utility conservation measures.

(5) Notify senior citizen utility customers about proceedings before the commission, the Federal Energy Regulatory Commission, the Federal Communications Commission, the courts, and other public bodies.

(6) Establish and maintain a toll free telephone number or numbers that serve as a hotline for inquiries, comments, and suggestions from senior citizen utility customers. To the extent available resources allow, the advocate shall promote and advertise the hotline to senior citizen utility customers.

The deputy consumer counselor for senior citizens may satisfy the requirements of subdivisions (2) through (5) by publishing or soliciting information on the Internet through the computer gateway administered by the intelnet commission under IC 5-21-2 and known as Access Indiana.

(g) Expenses incurred under subsection (f) shall be paid from an appropriation made for that purpose by the general assembly, or with the approval of the governor and the budget agency, from the contingency fund established under IC 8-1-6-1.

(h) The deputy consumer counselor for senior citizens may, with the approval of the utility consumer counselor, appear on behalf of senior citizen utility customers in:

(1) hearings before the commission, the department of state revenue, or the Indiana department of transportation;

(2) appeals from the orders of the commission, the department of state revenue, or the Indiana department of transportation; and

(3) other proceedings, suits, and actions in which the subject matter of the action affects senior citizen utility customers.

(i) The deputy consumer counselor for senior citizens may, with the approval of the consumer counselor, the governor, and the budget agency, employ and fix the compensation of accountants,

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1 utility economists, engineers, attorneys, stenographers, or other  
 2 assistants necessary to carry out the duties of the deputy consumer  
 3 counselor for senior citizens. The compensation of the deputy  
 4 consumer counselor for senior citizens and the staff shall be paid  
 5 from an appropriation made for that purpose by the general  
 6 assembly, or with the approval of the governor and the budget  
 7 agency, from the contingency fund established under IC 8-1-6-1.

8 (j) The deputy consumer counselor for senior citizens may  
 9 employ, with the approval of the consumer counselor, the  
 10 governor, and the budget agency, additional stenographers,  
 11 examiners, experts, engineers, assistant counselors, accountants,  
 12 and consulting firms with expertise in utility, motor carrier, or  
 13 railroad economics or management, or both, at salaries and  
 14 compensation and for a length of time as the consumer counselor,  
 15 the governor, and the budget agency may approve for a particular  
 16 case or investigation. The compensation for additional personnel  
 17 and the cost of transportation, hotel, telegram, and telephone bills  
 18 while traveling on public business shall be paid from the expert  
 19 witness fee account or, with the approval of the governor and the  
 20 budget agency, from the contingency fund established under  
 21 IC 8-1-6-1 on warrants drawn by the auditor of state and sworn to  
 22 by the parties who incurred the expenses.

23 (k) Expenses incurred by regular staff of the deputy consumer  
 24 counselor for senior citizens and approved by the deputy consumer  
 25 counselor for senior citizens shall be charged to and paid from the  
 26 contingency fund established under IC 8-1-6-1.

27 SECTION 4. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding  
 28 IC 8-1-1.1-9.2(d), as added by this act, the governor shall appoint  
 29 the deputy consumer counselor for small business before  
 30 September 1, 2001.

31 (b) This SECTION expires December 31, 2001.

32 SECTION 5. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding  
 33 IC 8-1-1.1-9.2(f)(6), as added by this act, the deputy consumer  
 34 counselor for small business established under IC 8-1-1.1-9.2(d), as  
 35 added by this act, shall establish before December 31, 2001, a toll  
 36 free telephone number or numbers that serve as a hotline for  
 37 inquiries, comments, and suggestions from small business utility  
 38 customers.

39 (b) This SECTION expires January 2, 2002.

40 SECTION 6. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding  
 41 IC 8-1-1.1-9.3(d), as added by this act, the governor shall appoint  
 42 the deputy consumer counselor for senior citizens before



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1 September 1, 2001.  
2 (b) This SECTION expires December 31, 2001.  
3 SECTION 7. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding  
4 IC 8-1-1.1-9.3(f)(7), as added by this act, the deputy consumer  
5 counselor for senior citizens established under IC 8-1-1.1-9.3(d), as  
6 added by this act, shall establish before December 31, 2001, a toll  
7 free telephone number or numbers that serve as a hotline for  
8 inquiries, comments, and suggestions from senior citizen utility  
9 customers.  
10 (b) This SECTION expires January 2, 2002.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1779, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, after "the" insert "**deputy consumer counselor for**".

Page 1, line 4, delete "**utility advocate**".

Page 2, line 8, delete "shall" and insert "**may**".

Page 2, line 8, after "a" insert "**deputy consumer counselor for**".

Page 2, line 8, delete "business utility advocate." and insert "**business.**".

Page 2, line 10, after "the" insert "**deputy consumer counselor for**".

Page 2, line 10, delete "business utility advocate." and insert "**business.**".

Page 2, line 11, after "The" insert "**deputy consumer counselor for**".

Page 2, line 11, delete "utility advocate".

Page 2, line 19, after "The" insert "**deputy consumer counselor for**".

Page 2, line 19, delete "utility advocate".

Page 2, line 23, after "of the" insert "**deputy consumer counselor for**".

Page 2, line 23, delete "business utility advocate." and insert "**business.**".

Page 2, line 30, after "Commission," insert "**the Federal Communications Commission,**".

Page 2, line 30, after "bodies." delete "The".

Page 2, delete lines 31 through 37.

Page 2, line 38, delete "(7)" and insert "**(6)**".

Page 3, line 1, after "The" insert "**deputy consumer counselor for**".

Page 3, line 1, delete "utility advocate".

Page 3, line 10, after "(h) The" insert "**deputy consumer counselor for**".

Page 3, line 10, delete "utility advocate".

Page 3, line 20, after "(i) The" insert "**deputy consumer counselor for**".

Page 3, line 20, delete "utility advocate".

Page 3, line 24, after "duties of the" delete "office of the" and insert "**deputy consumer counselor for**".



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Page 3, line 24, delete "business utility" and insert "**business.**".  
 Page 3, line 25, delete "advocate."  
 Page 3, line 25, after "of the" insert "**deputy consumer counselor for**".  
 Page 3, line 25, delete "utility advocate".  
 Page 3, line 30, after "(j) The" insert "**deputy consumer counselor for**".  
 Page 3, line 30, delete "utility advocate".  
 Page 4, line 3, delete "regular staff of the office of the" and insert "**deputy consumer counselor for**".  
 Page 4, line 4, delete "utility advocate".  
 Page 4, line 4, after "by the" insert "**deputy consumer counselor for**".  
 Page 4, line 5, delete "utility advocate".  
 Page 4, line 9, after "the" insert "**deputy consumer counselor for**".  
 Page 4, line 9, delete "utility advocate".  
 Page 4, line 12, delete "office of" and insert "**deputy consumer counselor for**".  
 Page 4, line 13, delete "utility advocate".  
 Page 4, delete lines 19 through 25.  
 Renumber all SECTIONS consecutively.  
 and when so amended that said bill do pass.  
 (Reference is to HB 1779 as introduced)

FRY, Chair

Committee Vote: yeas 10, nays 3.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1779 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-1-1.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this chapter:

"Council" means the advisory council to the office of utility consumer counselor created under section 7 of this chapter.

"Counselor" means the consumer counselor established under section 2 of this chapter.

~~"Deputy consumer counselor" means the deputy consumer counselor for Washington affairs that may be established under section 9.1 of this chapter.~~

"Utility" means any public utility, municipally owned utility or subscriber owned utility under the jurisdiction of the commission."

Page 4, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 3. IC 8-1-1.1-9.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9.3. (a) As used in this section, "advocate" refers to the deputy consumer counselor for senior citizens appointed under subsection (d).

(b) As used in this section, "senior citizen" means an Indiana resident who is:

- (1) at least sixty-five (65) years of age;
- (2) retired; and
- (3) not employed on a full-time basis.

(c) As used in this section, "senior citizen utility customer" means a senior citizen who pays a public utility or a municipally owned utility for gas, electric, telecommunications, water, or sanitary sewer service for residential uses.

(d) The governor may appoint a deputy consumer counselor for senior citizens. The utility consumer counselor may advise the governor in the appointment of the deputy consumer counselor for senior citizens.

(e) The deputy consumer counselor for senior citizens shall serve for a term of four (4) years at a salary to be fixed by the governor. The advocate shall serve at the pleasure of the governor. The advocate must be a practicing attorney and qualified by knowledge and experience to practice in utility regulatory agency proceedings. The advocate shall apply full efforts to the duties of



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the office and may not be actively engaged in any other occupation, practice, profession, or business.

(f) The deputy consumer counselor for senior citizens shall do the following:

- (1) Represent, protect, and promote the interests of senior citizen utility customers in Indiana.
- (2) Inform and educate senior citizen utility customers about the duties and functions of the deputy consumer counselor for senior citizens.
- (3) Actively solicit the opinions, comments, and needs of senior citizen utility customers.
- (4) Educate senior citizen utility customers about available utility conservation measures.
- (5) Notify senior citizen utility customers about proceedings before the commission, the Federal Energy Regulatory Commission, the Federal Communications Commission, the courts, and other public bodies.
- (6) Establish and maintain a toll free telephone number or numbers that serve as a hotline for inquiries, comments, and suggestions from senior citizen utility customers. To the extent available resources allow, the advocate shall promote and advertise the hotline to senior citizen utility customers.

The deputy consumer counselor for senior citizens may satisfy the requirements of subdivisions (2) through (5) by publishing or soliciting information on the Internet through the computer gateway administered by the intelnet commission under IC 5-21-2 and known as Access Indiana.

(g) Expenses incurred under subsection (f) shall be paid from an appropriation made for that purpose by the general assembly, or with the approval of the governor and the budget agency, from the contingency fund established under IC 8-1-6-1.

(h) The deputy consumer counselor for senior citizens may, with the approval of the utility consumer counselor, appear on behalf of senior citizen utility customers in:

- (1) hearings before the commission, the department of state revenue, or the Indiana department of transportation;
  - (2) appeals from the orders of the commission, the department of state revenue, or the Indiana department of transportation; and
  - (3) other proceedings, suits, and actions in which the subject matter of the action affects senior citizen utility customers.
- (i) The deputy consumer counselor for senior citizens may, with



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the approval of the consumer counselor, the governor, and the budget agency, employ and fix the compensation of accountants, utility economists, engineers, attorneys, stenographers, or other assistants necessary to carry out the duties of the deputy consumer counselor for senior citizens. The compensation of the deputy consumer counselor for senior citizens and the staff shall be paid from an appropriation made for that purpose by the general assembly, or with the approval of the governor and the budget agency, from the contingency fund established under IC 8-1-6-1.

(j) The deputy consumer counselor for senior citizens may employ, with the approval of the consumer counselor, the governor, and the budget agency, additional stenographers, examiners, experts, engineers, assistant counselors, accountants, and consulting firms with expertise in utility, motor carrier, or railroad economics or management, or both, at salaries and compensation and for a length of time as the consumer counselor, the governor, and the budget agency may approve for a particular case or investigation. The compensation for additional personnel and the cost of transportation, hotel, telegram, and telephone bills while traveling on public business shall be paid from the expert witness fee account or, with the approval of the governor and the budget agency, from the contingency fund established under IC 8-1-6-1 on warrants drawn by the auditor of state and sworn to by the parties who incurred the expenses.

(k) Expenses incurred by regular staff of the deputy consumer counselor for senior citizens and approved by the deputy consumer counselor for senior citizens shall be charged to and paid from the contingency fund established under IC 8-1-6-1."

Page 4, line 11, delete "IC 8-1-1.1-9.2(f)(7)," and insert "IC 8-1-1.1-9.2(f)(6),".

Page 4, after line 17, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding IC 8-1-1.1-9.3(d), as added by this act, the governor shall appoint the deputy consumer counselor for senior citizens before September 1, 2001.

(b) This SECTION expires December 31, 2001.

SECTION 7. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding IC 8-1-1.1-9.3(f)(7), as added by this act, the deputy consumer counselor for senior citizens established under IC 8-1-1.1-9.3(d), as added by this act, shall establish before December 31, 2001, a toll free telephone number or numbers that serve as a hotline for inquiries, comments, and suggestions from senior citizen utility



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customers.

**(b) This SECTION expires January 2, 2002."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1779 as printed February 20, 2001.)

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